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ABSTRACT

This student guide is intended to assist persons employed as supervisors in learning the principles of industrial relations. Discussed in the first eight sections are the following topics: the nature and scope of industrial relations, management organizations and employers' associations, unions, the rights and roles of union representatives, the organization of unions, individual and collective matters, and Great Britain's Advisory Conciliation and Arbitration Service. Each of these sections contains an introduction, sections of instructional text that are interspersed with reinforcing learning activities, and a section summary. The ninth part of the guide includes a series of performance checks (an end check, a tutor check, and a work-based project). Concluding the guide is a unit review that reviews the objectives addressed in the guide, describes related extension courses, and lists recommended reference materials. (MN)

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An Open Tech Project

SUPERVISING INDUSTRIAL RELATIONS

85: Industrial Relations in Action

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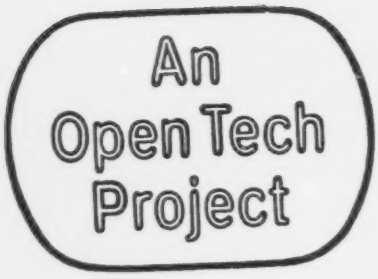
85: INDUSTRIAL RELATIONS IN ACTION

John Stirling



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Stirling John
Industrial Relations in Action (Number 85 in the CHOICE SERIES of learning units)

Series Editor: Harry V Pardue
Northern Regional Management Centre.

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WORKING GUIDE TO THIS UNIT IN YOUR DEVELOPMENT PROGRAMME

This Unit is now your personal property - it's not for handing back to your training officer or to a tutor. It is your working book.

The Contents will increase in value to you each time you write on one of its pages. This is a working text for your personal notes - without notes its value is limited.

Qualifications forget about certificates and diplomas - you don't need them for this programme. What you do need is the wish:-

* to do your job better
* for personal development

Your study time is really up to you - we guess you will need about 8 hours in total. But it's your time - spend as long as you like.

How am I doing? you can judge for yourself by checking out how well you cope with the tasks we call Activities and Self Checks which occur throughout the unit. You can also get the Tutor Check and/or the Work Based Project to your tutor for an unbiased view of your progress.

Work Pace it's really up to you and depends on your interest. However, if you do well on the Activities and Self Checks, you could afford to speed up a little. Of course, if you don't do as well as you expect then you could slow down a little or flick back into the unit for a quick review of the more difficult ideas.

When in doubt - ask or seek help from:

* your family and friends
* colleagues at work
* your company training staff
* other open learners
* your tutor, by phone, by a visit to your support centre or by dropping your tutor a line through the post.

Don't worry if what you learn doesn't seem to be of use to you now, remember that times change - it may be useful one day. Anyway, just knowing more improves personal confidence.

So now make a start:-

85: IR IN ACTION by John Stirling

ABOUT THIS UNIT

As you begin to read this unit it is quite likely that we are in the middle of another major industrial relations news story. Perhaps there is a strike going on or a new wage settlement has been agreed in a large company or, a trade union is holding its annual conference or electing its new leader.

We all have our own views about these issues.

We must appreciate however, that industrial relations is not all about argument, disagreement and controversy, it is mostly about agreement. The problem is that agreement is not news - it does not attract the atention of journalists or TV cameras. I hope we confirm the view that industrial relations is really a planned system of relationships set up to install agreements between people at work.

IN THIS UNIT WE WILL:

* explore what industrial relations is and see the kinds of issues it gets into
* identify how the law affects the organisation of industrial relations at work
* see the difference in the procedures needed to resolve individual grievance, to those needed to settle disputes between larger groups of people
* appreciate that help is available from ACAS - the Advisory, Conciliation and Arbitration Service

AUDIO TAPE Side 1

Before you continue through the unit, you should listen to Side 1 of the audio tape that accompanies the unit. You will find it useful if you refer to the unit objectives shown below whilst you listen to the tape. You may wish to make the objectives clearer to yourself by making a note or two on the page as you listen.

OBJECTIVES

When you have worked through this unit you will be better able to:

* **describe the way managements and unions are organised to deal with Industrial Relations**
* **list the rights of union representatives in relation to the law**
* **describe the applications of dispute and grievance procedures**
* **list the main services that ACAS can provide to help in industrial relation affairs**

PART A WHAT IS INDUSTRIAL RELATIONS?

1. Introduction

In this unit we take a practical approach to industrial relations and see it as a system of rules that everybody can understand and follow. Not everybody sees industrial relations in this way and questions might be asked about who creates these rules and in whose interests. Others might disagree about whether trade unions are a part of good industrial relations. Indeed, there is not always agreement about what is good!

REFERENCE 1 page 79

In "The changing system of industrial relations in Great Britain" the author defines industrial relations as "the study of the rules governing employment, together with the ways in which the rules are made and changed, interpreted and administered".

All of us are involved in industrial relations. Sometimes we are actively involved by helping to sort out some argument or difficulty. If we don't get that involved then we are sure to take an interest in what's going on because what others decide may well affect us later. Because of my last remark it would seem to be advisable for us always to take a keen interest in what is happening on the industrial relations front.

2. People and Procedures

Let me ask you to get into this subject through actual practice:

ACTIVITY 1
Time guide 2 mins

In the box below note down any industrial relations matters that have arisen at your workplace over the last couple of months.

* _____

* _____

Here is a short list of possibilities:

* wage negotiations and connected issues such as bonuses;
* grievances about working conditions;
* disciplinary cases;
* meetings - consultative committees, negotiating committees or union branch meetings;
* health and safety problems;
* legal problems about unfair dismissal or equal pay for example; disputes and industrial action.

We can't cover everything but perhaps most of the things you have noted could fit under these headings.

If we look at these items more closely then we can see that an industrial relations issue involves two things

* people

* procedures

Let us now consider these in turn.

People: All sorts of people with different ideas and personalities get involved in industrial relations at work. That's one of the reasons why it is often hard to give right and wrong answers to industrial relations questions. It will all depend on the people involved.

Procedures: To try and bring some order to industrial relations, people adopt rules. We often refer to these rules as procedures. So

A PROCEDURE IS A SET OF RULES FOR DEALING WITH A PROBLEM

In the rest of this unit we will consider people and the procedures they work within greater detail - sometimes separately but mostly together.

3. Organisations

When we deal in industrial relations we have said we are concerned with people (personalities) and procedures. But this paints only part of the picture. The people involved belong to or represent some organisational interest e.g. they may work for your company and may also be members of trade unions. In this way the organisation they work in and the organisation they represent are brought into the industrial relations picture.

ACTIVITY 2
Time guide
1 min

Note down the people at your workplace who have been involved with industrial relations matters over the last month.

* _____

* _____

The people you will have mentioned probably fall under the following three headings:

* Managers, for example, yourself as supervisor, departmental managers and senior company managers. If you have them, Personnel and Industrial Relations departments may have been particularly involved;

* Union Representatives, for example, trade union convenors and shop stewards, staff association representatives and perhaps outside officials;

* Third Parties, your organisation may have been involved with an Industrial Tribunal, with the Advisory Conciliation and Arbitration Service (ACAS) or with the Health and Safety Inspectorate.

Don't worry if you haven't heard of all these people or organisations - we will come back to them later.

These are the people who are usually involved in industrial relations.

So although industrial relations is still about people, we can say more generally that:

INDUSTRIAL RELATIONS IS ABOUT PEOPLE IN ORGANISATIONS

Anything that involves people involves a variety of opinions and possibly disagreement. Industrial relations is certainly no exception.

Let's look at one case and see how it might be handled differently in different circumstances.

ACTIVITY 3
Time guide
8 mins

Read through the case below and then complete the activity.

Harry Corlett has asked you for a wage increase. His wife has just given birth to twins and he says he is struggling to make ends meet. Harry also claims that he has been working a lot harder over the last six months and that the increase is well merited.

Jot down in a few words whether you think Harry would be likely to get his increase in each of the following situations:

1 Harry is the only one capable of doing his particular job in a profitable small business where there is no union. The owner of the business likes to treat his staff as part of the family.

Would he get his increase? * _____

Why? * _____

_____

2 Harry is one of a team of people working for a local authority. The union negotiates national wage scales.

Would he get his increase? * _____

Why? * _____

_____

3 Harry works with his friend Bob at a company which negotiates a standard basic rate with the union and tops it up with individual merit increases. It is not time for the annual review and in any case Harry is always pestering about his low pay when in fact he earns more than Bob.

Would he get his increase? * _____

Why? * _____

_____

Let's take each case in turn. In situation 1 the response is likely to be yes to Harry's request. The employer has a fatherly attitude and is likely to be influenced by Harry's personal circumstances. He also has the flexibility to be able to agree to Harry's increase without disrupting the rest of the company.

In situation 2 the response is likely to be no to Harry's request. No matter what Harry's personality is like the system can't cope with individual wage rises.

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In situation 3 the response is again likely to be no but this time we cannot be so certain. There is some flexibility in the procedure but it looks as though Harry's personality (he is always 'pestering') may work against him.

In each of the cases we have thought about PEOPLE AND PROCEDURES before making up our mind. We have gone a little further with people and thought about their PERSONALITIES too.

In each of the cases the basic facts were the same but our thinking about them was influenced by the circumstances.

Before we go on to look in more detail at some of the people and organisations involved in industrial relations let's have a quick check back.

SELF CHECK 1
Time guide
2 mins

Complete the sentences with a suitable word or words.

1 Industrial relations is about two things; _____ and _____.

2 A procedure is a set of _____ for dealing with a problem.

3 When we think of people we must also think about their _____ and the _____ they belong to.

The answer to this self check is here in the following words, so you'll need to check out your answers carefully 1) I trust you didn't write strikes and disputes! Industrial relations is not really like that - the words we were looking for are people and procedures; 2) We could have written guide-lines but rules is more postive and clear; 3) Although we could have used characters and institutions we did use people and procedures in the unit so far.

4. Summary

Industrial relations will involve:

* PEOPLE - personalities have an important part to play in industrial relations.

* PROCEDURES - are the rules we use to deal with industrial relations issues.

* ORGANISATIONS - people already in a working organisation often find themselves involved in bodies like trade unions or employers' associations.

PART B MANAGEMENT

1 Introduction

One way and another anybody in the management team can become involved in industrial relations. The supervisor who deals with a disciplinary case, the department manager on the negotiating committee or the managing director who determines policy.

2 Management Organisation

Let's explore what we mean by management organisation:

ACTIVITY 4
Time guide
3 mins

Note down two ways that you can think of which management at your workplace becomes involved in industrial relations. Note down which level of management is involved for each activity below.

I have started you off with an example.

* Pay settlements - Head Office Management
* Safe working practices - _____
* Lateness - _____
* Dismissals - _____

Responses to this activity will vary widely from supervisor to supervisor. But perhaps the point we make is that certain specific matters like wage settlements and dismissals are usually dealt with by a particular management level - large issues being dealt with by higher-level management and the more frequent smaller issues being dealt with by lower level management.

Let's explore this aspect a little more.

To give the widest possible view, let's look at an example of a foreign based multinational company with a large operation in the UK:

* Headquarters Management: investment decisions, product design, overall financial decisions, including how much is set aside for salaries and wages;

* UK Head Office Management: similar decisions to those made above but within guidelines that have been set by Headquarters management, negotiations on any company wide terms and conditions of employment;

* Local Senior Management: negotiations of local terms and conditions of employment, discussions of health and safety, agreement of local procedures;

* Supervisory Management: implementing policy decisions, handling local grievances and disciplinary matters, day-to-day negotiations with union representatives.

As we can see most of the decisions which management takes will have industrial relations implications. This means that all of the management team will have to cope with the industrial rleatiens problems that may arise.

Let's look at an example of how one decision can raise industrial relations issues that everyone has to deal with.

ACTIVITY 5
Time guide
5 mins

American International decides that the long-term market for one of its products is in decline. Its major manufacturing plant for that product is in Britain and capacity will need to be reduced by a half.

Note down the sort of industrial relations decisions each level of management will have to take.

UK Head Office Management

* _____

* _____

Senior Local Management

* _____

* _____

Supervisory Management

* _____

* _____

---

* Head Office Management, the sorts of decisions that might be made at this level include: how much money is available for redundancy payments; what staff reductions are needed in each section of the workforce; what is the timescale for the redundancies.

* Senior Local Management, the sorts of decisions that might be made at this level include: when to start negotiations, details on redundancy pay, details on redundancy procedures, how the change can be managed with the least amount of conflict, determining a policy about who will be kept on.

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* Supervisory Management, the sorts of decisions which the supervisor might be involved in could include: selecting those staff needed to be kept on (using management's criteria), deciding how to carry out the scheme most efficiently, deciding how to implement the scheme with the least disruption.

As we can see from this example each level of the management team has something to contribute in dealing with industrial relations. It is also clear that each level of management has less room for manoeuvre once decisions have been made.

Let's sum up how the different levels of management operate:-

LEVEL OF MANAGEMENT	DECISIONS AFFECTING INDUSTRIAL RELATIONS
HQ Management	Financial Decisions National terms and conditions or procedures Long term policy
Local Management	Financial decisions within the guidelines set Local negotiations or terms and conditions; health and safety, grievances; discipline and so on
Supervisory Management	Implementing industrial relations decisions Day-to-day negotiation and grievance handling

SELF CHECK 2
Time guide
1 min

Here is a list of management levels:

Head Quarters management
Local management
Supervisory management

Drawing from this list write in the appropriate level of management who would deal with each of these industrial relations issues:

Implementing redundancy procedures _____

Closing the company _____

Negotiating redundancy procedures _____

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The answer to this self check is here in the following words, so you'll need to check out your answers carefully. Implementing redundancy is a matter for supervisory management; closing the company is a matter for head quarters management; negotiating redundancy procedure is a matter for local management. Of course all levels of management often become involved with each issue, but the responsibilities are likely to be as we have listed them.

3 Employers' Associations

There is one level of management organisation we have yet to consider - that is, the Employers' Association.

Employers' Associations are organisations that aim to bring together many employers to represent their views and interests.

ACTIVITY 6
Time guide
2 mins

Is your organisation a member of an Employers' Association? YES/NO. Note down ONE reason you can think of why your organisation might belong to an Employers' Association.

* _____

* _____

* _____

There are a number of reasons why an organisation might join an employers' association:

* to receive advice and information;

* to be part of an organisation which represents the views of the industry;

* to benefit from the services provided to be involved in industry-wide negotiations.

We can see how these organisations operate by looking at the services provided by one of them e.g. the Engineering Employers' Federation.

Through a local association, companies which are members benefit from the following services:

* Industrial Relations

  The Federation negotiates national terms and conditions of employment for the engineering industry.

  It maintains national agreements and procedures.

Local Associations' branches provide a comprehensive and practical industrial relations service in the regions. Their staff represent and support member firms at meetings with union officials, help in settling disputes and drafting agreements, and provide legal and statistical information.

* Legal

The Federation provides interpretation and advice on all aspects of employment law. An important feature of the service is the expert representation of members at industrial tribunals. (We will be looking at industrial tribunals later in this unit.)

* Health and Safety

The Federation interprets and advises on the legislation concerned with occupational health and safety. A monthly health and safety bulletin is issued to all members.

* Education and Training

By influencing national education and training policy, the Federation aims to ensure that the present and future manpower needs of the engineering industry are met. Close contact is maintained with official bodies such as government departments, the Engineering Industry Training Board and education authorities. At local level, contacts are built up with schools and colleges.

* Economic

The Federation's economic section provides background information for negotiators and determines the effects on the engineering industry of government economic policy. All relevant statistics are collected, monitored and interpreted.

* Information and Publications

The information service monitors published material and public events and provides a general enquiry service to member companies. Data on wages and conditions in the federated industry are collected and analysed. Publications include a monthly newsletter, guides on specific aspects of employment legislation, and reports on industrial relations in Europe.

* Representing the Industry

The Federation keeps in close touch with Government Ministers and senior members of the opposition parties; with permanent officials in the Departments of State which deal with issues of concern to the industry; with the European Commission and with members of the UK and European Parliaments. It also maintains contact with European employers' organisation. As the principal spokesman for the engineering industry, the Federation's close links with media ensure that the views of the industry are forcefully represented.

As we can see, employers' associations provide a wide variety of services to their members.

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Let's see how an employers' association might fit in to workplace industrial relations by looking at a couple of examples.

Example 1 - starting with the Employers' Association and ending with the supervisor

* Employers' Association negotiates a national holiday agreement for the whole industry.

* Your organisation accepts this basic level but adds an extra day's holiday for each year of service on top.

* Supervisor decides on what dates his staff will go on holiday.

Example 2 - starting with the Supervisor and ending with the Employers' Association

* A supervisor cannot reach agreement over a discipline problem

* Company management tackles it but the two sides still can't agree

* The case is passed on for an independent view from the employers' association.

As we can see, employers' assocations may have a direct effect on workplace industrial relations. Though we should note that in recent years a number of larger companies have decided not to be members. They have enough financial resources to provide the services they require for themselves. Particularly they might prefer to handle all negotiations themselves.

4 Summary

Management is involved in industrial relations at all levels

* INDUSTRY-WIDE: an employers' association might provide industrial relations services or negotiate a pay agreement

* ORGANISATION-WIDE: decisions have to be made on a wide variety of issues which will have an effect on industrial relations

* SUPERVISORS: have the responsibility for carrying out industrial relations decisions and dealing with day-to-day problems.

* DIFFERENT LEVELS OF MANAGEMENT: have general responsibilities for specific industrial relations

* EMPLOYERS' ASSOCIATIONS: provide a wide and extensive industrial relations service for its membership including advice on:

legal matters	education and training
health and safety	economic affairs
publications	

PART C THE UNIONS

1 Introduction

Having had an initial look at the organisation of management for industrial relations we should turn our attention to the trade union organisation. You'll notice that I have avoided saying management "side" and trade union "side" - they are often referred to this way. My reason is that, although they are for certain issues, on opposing sides, more often than not they are on the same "side"; both trying to install and improve industrial relations.

2 Recognising Unions

Many large organisations have formal agreements which recognise trade unions for collective bargaining. Some organisations go further and require all employees to be union members. This is known as a union membership agreement, often called a 'closed shop'.

ACTIVITY 7
Time guide
3 mins

Try and think of some reasons why an organisation might recognise a trade union. Note down two reasons:

* _____

* _____

There's a variety of reasons why an organisation might recognise unions:

* union pressure forces them to do so;

* they already recognise unions in other parts of the organisation;

* the employees' demand for some sort of representation;

* the organisation needs a method of consulting and negotiating with staff and feels that recognising the union will help provide this.

At the end of the day, organisations will need some means of judging the feelings of its employees. Union representation can provide an important means of doing this.

The first stage in representation is recognition. That is, management will recognise a union or staff association as representing employees.

A staff association is a representative body which only employees in a particular organisation can join. They will not normally be independent trade unions although they may have the right to negotiate.

ACTIVITY 8
Time guide
2 mins

Note down the sort of representation at your workplace. For example, if you have unions, who do they represent?

* _____

* _____

You might have been able to give a straightforward answer:

* no representation at all;

* no union but a staff association covering everybody;

* one union covering everybody.

However, for those of us with more complicated lives we could come up with a picture like this:

* one union or more for the skilled manual grades;

* one union or more for other manual grades;

* one union for the supervisors;

* one union for technical staff;

* one union for clerical staff.

As usually happens when we try to make distinctions like this not everyone can be fitted into the pigeon holes. Some skilled (or craft) unions might have "semi-skilled members" for example.

In general terms though such distinctions can be useful.

SELF CHECK 3
Time guide
2 mins

Here is a list of kinds of unions: general union; skilled union; "white-collar" union; industrial union.

Using this list write against each of the following named unions the kind of union it is.

Association of Professional Clerical and Computer Staff (APEX) * _____

National Union of Mineworkers (NUM) * _____

Transport and General Workers Union (TGWU) * _____

Amalgamated Society of Locomotive Enginners and Firemen * _____

The answer to this self check is here in the following words, so you'll need to check out your answers carefully. Association of Professional Clerical and Computer Staff is white collar; National Union of Mine Workers is industrial; Transport and General Workers Union is general; Amalgamated Society of Locomotive and Engineers and Firemen is skilled.

Once decisions have been made about which union or unions are to be recognised then a formal agreement may be signed by the parties.

Such agreements may cover one or more unions. Here is an example:

> The company recognises that it is to the mutual benefit of the company and its employees for them to be represented by the union and it therefore recognises the union as the sole bargaining agent.

A formal agreement helps to provide a stable basis for industrial relations by restricting groups of staff to one union.

Some organisations negotiate agreements to ensure that all their staff join just one union. Although these 'single union agreements' are becoming more common in most workplaces there are often still more than one union recognised.

3 Union Membership

Where trade unions are recognised we have seen that there will often be a written agreement. The second element in the agreement will concern whether people must join the trade union or whether membership is up to the individual.

ACTIVITY 9
Time guide
2 mins

What sort of union membership agreements do you have at work? For example, do people have to belong to a trade union:

* _____

* _____

Compare your responses to some typical sorts of membership agreements in this list:

* union membership is completely voluntary;

* union membership is voluntary for some but compulsory for others;

* union membership is compulsory (the closed shop).

3.1 Union Membership Agreements

Let's look at some examples of union membership agreements.

Example 1

> Representatives of the company's unions shall be able to meet all new starters to discuss union membership.
>
> Union membership is not a condition of employment but all employees shall be encouraged to belong to the appropriate trade union.

This agreement encourages union membership but allows employees to be non members if they so wish.

Example 2

> The company recognises the trade union as the sole representative of its employees.
>
> All new employees shall become trade union members by the end of their normal probationary period with the company.

In this example, an employee has to join the union within a specified period of starting work. This is known as a POST ENTRY CLOSED SHOP.

Example 3

> The company recognised the trade union as sole bargaining agents.
>
> All new employees shall be members of the trade union and the union has the right to check the union card before employment is offered.

In this example, a prospective employee must already be a member of the trade union before they are offered a job. This is known as a pre-entry closed shop.

To sum up then, an organisation which has a union membership agreement may have one of three sorts

* union membership is voluntary
* union membership is compulsory after joining the organisation (the post entry closed shop)
* union membership is necessary before joining the organisation (the pre-entry closed shop)

A 1983 survey estimated that 4.5 million workers are covered by closed shop arrangements.

The post entry closed shop is now most widespread in Britain.

The pre-entry closed shop is more common in industries with an established craft tradition. The union card is not just an indication of membership it also shows that the member has gone through the traditional apprenticeship. As these craft traditions disappear so the pre-entry closed shop is declining.

To compensate for this the closed shop has grown in other industries. For example the closed shop covered 4 per cent of people in the Food, Drink and Tobacco industries in 1962 but 40 per cent by 1978.

Having looked at the extent of the closed shop we need to look at the reasons for its existence.

ACTIVITY 10
Time guide
2 mins

Note ONE advantage to the management and ONE to the union of a closed shop agreement.

Advantages of the closed shop to the:

Unions * _____

Management * _____

_____

Advantages to unions:

* increases the union's strength;

* gives the union some control over who is recruited;

* ensures that everybody who receives what the union negotiates has paid a membership fee.

Advantages to management:

* can bring more stability to industrial relations;

* reduces inter-union conflict by recognising a single union for each group of employees;

* union representatives will speak for all the employees

Now we have looked at some of the advantages let's turn to the disadvantages.

ACTIVITY 11
Time guide
2 mins

Note ONE disadvantage of the closed shop to the management and ONE to the unions.

Disadvantage of the closed shop to the:

Management * _____

Union * _____

Disadvantages to Management:

* help to increase union strength;

* restricts management freedom to recruit non-unionists.

Disadvantages to Union:

* may reduce communication between officials and members;

* may make the representatives apathetic - they no longer have to persuade people to be members.

The question of the individual's freedom to join or not to join a trade union is a matter of argument. It all depends on our own individual views so we'll not be arguing for or against here.

In looking at these advantages and disadvantages we have tried to deal with the closed shop from a practical industrial relations point of view. It is from the same point of view that we must now take a brief look at the law covering the closed shop.

18

3.2 Closed shop law

The law on the closed shop is to be found in three Acts of Parliament.

1978 Employment Protection (Consolidation) Act

1980 Employment Act

1982 Employment Act

These acts tells us when it is unfair to dismiss someone who refuses to join a closed shop.

The law can get quite complicated and we will only give the broad outlines here. Any case that arises at the workplace would certainly involve senior management and probably lawyers too.

The first point we need to make is that any member of staff may make a claim to a Tribunal if they feel they have been unfairly dismissed because of the closed shop (or indeed if they have experienced unfavourable action short of dismissal).

THERE IS NO LENGTH OF SERVICE QUALIFICATION

3.3 Who can claim

As is often the case with British employment law we have our rules back to front. So our starting point is that it is fair to dismiss someone who refuses to join a closed shop. Putting the law like this means that the person who is dismissed must attempt to prove that they were unfairly treated.

However, the law then goes on to look at circumstances where it might be unfair.

It says that someone will be unfairly dismissed if they were dismissed because they:

* had deeply held personal convictions against joining a union

* they refused to join the union when a closed shop agreement was introduced after they had been employed by the company.

As we can see, something like the definition of "deeply held personal convictions" might be quite hard to judge. At the end of the day it is for Industrial Tribunals to make up their minds about these matters.

The third way in which somebody can be unfairly dismissed has proved the most controversial. The trade unions are clearly opposed to it but it is nevertheless part of the law.

An individual will be unfairly dismissed if they are sacked for refusing to join a closed shop where

* a closed shop agreement implemented after 14 August 1980 hadn't received 80% support from those elegible to vote in a secret ballot

* where the closed shop was agreed before 15 August 1980 and hasn't received the support of 80% of those elegible to vote or 85% of those who vote, in a secret ballot in the previous five years.

ACTIVITY 12
Time guide
5 mins

Look through the case below and decide whether there would be a claim for unfair dismissal.

Fred Taylor had been promoted to supervisor about a year ago. When he had been promoted he made it clear that he now saw himself as part of the management team and he believed that managers should not be union members.'You cannot serve two masters', he would sometimes say.

However, because his company had a closed shop Fred was persuaded against his beliefs to stay a member.

This closed-shop agreement was made when the company was having a particularly difficult time. The unions had refused to allow a ballot on the closed shop and threatened disruptive action.

After about 6 months as a supervisor Fred felt that his beliefs had been confirmed and he resigned from the union. The union threatened strike action if Fred was kept on and the company reluctantly dismissed him.

Fred Taylor is claiming unfair dismissal.

On what grounds can Fred claim?

* _____

* _____

If you look back through the pages on the law you will see that there are two possible reasons:

* Fred may be able to win his case on the grounds of "deeply held personal convictions". Fred strongly believes that supervisors should not be union members. We cannot be sure Fred will win as a judgement would have to be made about the strength of Fred's personal convictions.

* Fred may claim that there had not been a ballot in the previous five years supporting a closed shop. This looks a much better claim that Fred would have every chance of winning.

If Fred wins his claim then there are three steps that an Industrial Tribunal might recommend.

* reinstatement - Fred would be given his old job back

* re-engagement - Fred would be taken back by the company but at another job or in a different department

* compensation - Fred could be given a cash award as compensation

Let's recap on the closed shop law.

It is fair to dismiss someone who refuses to join a union where a closed shop operates.

UNLESS

* they can demonstrate deeply held personal convictions

* they were existing non-members when a new closed shop was introduced

* there hasn't been a ballot with a large majority in favour in the last five years.

3.4 Check Off

When an organisation does recognise a trade union whether it is a closed shop or not the question of how membership fees are to be collected arises.

In the past, it was common for shop stewards to collect fees themselves or for members to pay at their branch meetings.

Nowadays, it is much more common practice for a union subscription to be deducted directly from pay.

THIS DIRECT DEDUCTION IS KNOWN AS CHECK OFF

4 Summary

Employees can be represented by:

* trade unions
* staff associations

There are a number of different kinds of unions including:-

* skilled unions
* industrial unions
* general unions
* white collar unions

Once unions are recognised by an organisation then an agreement is usually made about membership. This may be:-

* voluntary
* compulsory after appointment (post entry closed shop)
* compulsory before appointment (pre entry closed shop)

The law on the closed shop allows people to claim unfair dismissal if they are dismissed and

* can demonstrate that they have deeply held personal convictions
* they were existing non-union members when a closed shop was introduced
* there hasn't been a ballot with a large majority in favour in the last five years.

When union subscriptions are deducted directly from pay this is known as

* check off

PART D RECOGNISING REPRESENTATIVES

1 Introduction

In very small organisations where everybody knows each other, communications can be direct. We can knock on the manager's door and tell them where we think they have gone wrong.

Most of us work in organisations that are a bit larger than this, however, and we may not be able to knock on the manager's door ourselves so we have a representative to do it on our behalf.

Supervisors often deal with these representatives. If the bonus scheme isn't working properly then somebody might approach them on behalf of the men. If there is a health hazard with a particular job then again the supervisor could well be approached.

2 Representatives

Representatives are important people. They are a link between those groups it is impossible to see individually and management.

THE REPRESENTATIVE IS A LINK IN A CHAIN OF COMMUNICATION

For most of us, the representative we are most familiar with is the trade union official. In this section of the unit we will be spending most time talking about the trade union representative. However, we should not forget that in many organisations the workforce may be represented in other ways. Many employees in the commercial world such as building societies and insurance companies are members of staff associations.

Whether the organisation has a trade union or a staff association its job is to represent its members' views effectively. For most supervisors the first point of contact with these organisations is through the local representative, who might have a different title in different companies and industries.

- in most manufacturing industry they are known as shop stewards
- in the printing trade they are known as fathers, or mothers, of the chapel
- for non-manual employees they are often known as the office representative.

Whatever the name the job is very similar.

SHOP STEWARDS REPRESENT THE VIEWS OF THEIR MEMBERS ON THE ISSUES THAT AFFECT THEM

It is difficult to know accurately how many shop stewards there are in Britain but most of the research that has been done suggests that there are at least a quarter of a million of them.

Of these, approximately 5,000 are employed by their companies solely on trade union activities.

ACTIVITY 13
Time guide
3 mins

Jot down TWO advantages and TWO disadvantages of having shop stewards at a work place.

Advantages

* _____

* _____

Disadvantages

* _____

* _____

Advantages:

* they can express the view of the workforce;

* they can on information;

* they can stop disputes arising;

* they can make management think before acting erroneously.

Disadvantages:

* they can unnecessarily resist changes;

* they can lead disputes;

* they can bring a workforce together in opposition to management.

We may not always think of the advantages of having shop stewards. Their image is usually one of hard line militants. However, most of the research work that has been done suggests that shop stewards are usually helpful rather than harmful to industrial relations.

3 Rights of union representatives

There are a large number of shop stewards working in many different kinds of unions and operating under a variety of circumstances. Let's look at the source of their rights and the authority that their rights give to them.

ACTIVITY 14
Time guide
2 mins

Note down two important sources of rights that a shop steward has:

* _____

* _____

Perhaps your two sources are included in the four main sources here:

* rights that management give them;

* rights that the law gives them;

* rights that their members give them;

* rights of the union itself.

Let's look at each of these in more detail.

3.1 Management rights

In most organisations where trade unions have established membership, management accepts their right to elect their own representatives.

In some cases these informal arrangments have been put into written agreements.

Here is an example of one such company agreement.

> The Company accepts that union members shall elect representatives who will be shop stewards or senior shop stewards for departments, sections or locations.
>
> The number of senior shop stewards and shop stewards within each site/area shall be agreed between the Company and the relevant union(s) at site level and shall be subject to joint review from time to time.
>
> A union will notify the Personnel Manager in writing of the names of stewards within ten working days of their election. A union will notify the Personnel Manager immediately, in writing, of the termination of the appointment of stewards.
>
> Each union shall inform the Company of the names of the agreed number of union convenor(s) who shall negotiate with the Company according to the agreed procedures and co-ordinate the function of the agreed senior shop stewards committees.

Shop stewards will be involved in the initial stages of procedures at the appropriate level of supervision.

They shall not act ouside the sections which they were elected to represent unless acting as the senior shop steward or convenor in the group, or when special circumstances arise in the absence of the senior shop steward or convenor.

Management's agreement to arrangements such as this formalises the authority of union represenatives.

3.2 Legal Rights

There is no law which says that a trade union has the right to be represented by shop stewards at the workplace.

However, union representatives do have some rights under the law, e.g. they have a legal right to:

* time off with pay to participate in relevant industrial relations matters.

* time off with pay to attend appropriate training courses

The Advisory Conciliation and Arbritration Service has published some advice about the law on time off for union representatives.

EXTENSION 1
pages 72-77

ACAS Code of Practice No 3 outlines the rights which should be given to the trade union's official representatives.

The ACAS Code points out that its provisions for time off apply:

TO ALL EMPLOYERS WITHOUT EXCEPTION AS TO SIZE OR TYPE OF BUSINESS OR SERVICE

Those representatives who have time off for the reasons set out above are also entitled to full pay or average earnings where that is appropriate. The shop stewards have the legal right to be given:

TIME OFF WITH PAY TO PARTICIPATE IN RELEVANT INDUSTRIAL RELATIONS MATTERS

This may seem to be straight forward, but we begin to run into difficulties when we start to look at just what comes under the heading of 'relevant industrial relation matters'.

The Code says that a union representative should be allowed reasonable paid time off for

* collective bargaining with the appropriate level of management

* informing members about negotiations or consultations with management

* meetings with other officials or with full-time officers on matters which are concerned with industrial relations between his or her employer and any associated employer and their employees.

* interviews with and on behalf of members on grievance and discipline matters concerning them and their employer

* appearing on behalf of members before an outside official body, such as an industrial tribunal, which is dealing with an industrial relations matter concerning the employer, and

* explanations to new employees whom he or she will represent of the role of the union in the workplace industrial relations structure.

To assist representatives in carrying out these duties the Code says that it may be appropriate to provide them with facilities.

Such facilities may include accommodation for meetings, access to a telephone, notice boards and, where the volume of the official's work justifies it, the use of office facilities.

In addition the law allows union members to have reasonable time off without pay to take part in certain union activities.

The ACAS code also has something to say about shop steward training. It says that such training should be relevant to industrial relations at the workplace. It should also be approved by the TUC or the appropriate union.

In particular, the ACAS Code says that newly elected representatives should be trained as soon after appointment as possible. Representatives should also be allowed to update their training where necessary.

Howver we must, see that although shop stewards have their rights, it doesn't mean that they can decide alone when to leave their workplace to exercise them.

THE ARRANGEMENTS FOR TIME OFF WILL NEED TO BE AGREED WITH MANAGMENT

The Code says:

The union official who seeks time off should ensure that the appropriate management representative is informed as far in advance as is reasonable in the circumstances. The official should indicate the nature of the business for which time off is required, the intended location and the expected period of absence.

ACTIVITY 15
Time guide
6 mins

Look at these cases and decide how you would deal with them taking into account the ACAS Code of Practice. Note down your comments in the box below the case. You may need to flick back to our extracts from the ACAS code to check before you answer.

Here's an example:

1 David Smith comes to you asking for time off to go on a TUC shop steward's training course. David has just been elected and he says the course is an introductory one of one day a week for ten weeks. You know it will be possible to cover David's work.

Comment

* David should be allowed to go on this training course with full pay.

2 Julie Hughes is a shop steward and works on a sewing machine. She comes to you asking to use the office phone. She says she needs to contact her union official about the wage claim being negotiated at the company.

Comment

*

3 You have has just taken on five new staff members and you are organising their introductory training programme. The shop steward comes to you and asks to speak for an hour on the course, to explain about trade unions.

Comment

*

4 Tina Lea, the shop steward on your section, has been elected by her branch to attend the annual conference of her union. She let's you know that she will want a week off work on full pay in a month's time so that she can attend.

Comment

*

1) David Smith is seeking time off for a training course and should be allowed to go on the training course with pay. We note that: the course is TUC approved; it seems appropriate - an introductory course for a new representative; it does not seem to disrupt work unduly.

2) Julie Hughes wants to use the office phone and should be allowed to use the phone in private. We note that: the use is in connection with an industrial relations matter - the wage claim; access to a telephone is one of the facilities mentioned by the Code. In circumstances like these, an organisation might want to make more formal agreements about facilites.

3) Your shop steward asks for time to speak on an introductory training course and should be allowed to do so with pay. We note that: the Code clearly says that paid time off should be allowed for such purposes; in any case, it would be good practice to invite the union along.

4) Tina Lea wants paid time off to attend the union conference, but we note that: the Code allows paid time off for industrial relations activities not trade union activities; the Code allows for unpaid leave for certain union activities. However, Tina can still go unpaid and her union may cover the expenses. In some organisations there is agreement for some paid time off for trade union activities. It can be argued that the conference is directly relevant to the organisation's industrial relations then there is no entitlement to paid time off.

As we can see, trade union representatives have some important legal rights. However, in each case it will need to be considered, for example:-

* is the matter an industrial relations one or not?

* is the training course appropriate?

* is the time off reasonable?

EXTENSION 2
Page 78

One other legal right we should not neglect to mention is that established by the Health and Safety at Work Act. If the shop steward is also a safety representative then he is entitled to a number of things such as

* the right to make inspections of the workplace

* the right to attend training courses on Health or Safety matters

* the right to information about work systems and processes

* the right to set up safety committees

THESE ENTITLEMENTS WILL HELP EMPLOYEES MEET THEIR OBLIGATIONS UNDER THE HEALTH AND SAFETY AT WORK ACT

EXTENSION 3
Page 78

In the book "Supervisory Management" there is more detail about these obligations and those of the employer to employees and others.

3.3 Workplace Rights

Although we have spent some time on the legal rights of shop stewards we should be in no doubt that their main source of rights is their members.

A shop steward is elected by the members and has a responsibility to them. Whether shop stewards are elected by ballot or not, an inefficient shop steward will soon be replaced by the members.

This close link with members means that whilst shop stewards can exert some influence,they can only ultimately go as far as their members allow. Thus there is little point in threatening industrial action if the membership are not prepared to take such a course.

3.4 Union Rights

Shop stewards are of course union members. In a formal sense they represent the union at the workplace. However, their relationship with the union often comes second to their links with members.

A union provides its shop stewards with back-up support. Full-time officials who come in if negotiations break down; research services and training courses are all examples of this support.

To sum up then the shop stewards' rights at work comes from

* acceptance by management
* some legal rights
* the support of their members
* the back-up of their trade union organisation

4 Summary

* REPRESENTATIVES ACT AS A COMMUNICATIONS LINK IN THE LARGER ORGANISATIONS

The UNION REPRESENTATIVE is generally known as the SHOP STEWARD, and they:-

* REPRESENT THEIR MEMBERS' VIEWS TO MANAGEMENT

The rights of a shop steward comes from a number of sources including

* MANAGEMENT

* THE LAW

* MEMBERS

* THE UNION ORGANISATION

The LAW GIVES union representatives the RIGHT to

* TIME OFF WITH PAY TO ATTEND TRAINING COURSES

* TIME OFF WITH PAY FOR RELEVANT INDUSTRIAL RELATIONS MATTERS

* TIME OFF WITHOUT PAY FOR RELEVANT TRADE UNION ACTIVITIES

ACAS CODE of Practice No.3:

sets out the LEGAL ADVICE on the RIGHTS of shop stewards

PART E THE ROLE OF A REPRESENTATIVE

1 Introduction

Shop stewards and other representatives have a difficult and demanding task to do. Not only must they do their job for which they are paid, they have to represent the interests of the members who elect them and also have to represent the interest of the trade union who appoints them. Because of the conflicting interests and pressures that can and do arise from this, they often have a thankless task. It becomes almost impossible to satisfy completely the management, the members and the union all at the same time.

However, let's press on and explore what they do.

2 The Representative Role

We'll explore this through an activity:

ACTIVITY 16
Time guide
2 mins

In the box below note down up to TWO issues you can think of that a shop steward might take up on behalf of their members.

* _____

_____

* _____

_____

The issues you list will depend on your own workplace and experience but some of the things you might have noted are:

* money matters - wages, bonuses, allowances, overtime;
* Health and Safety matters;
* Discipline cases - representing members in meetings with management;
* Grievance - almost any problem at work that you can think of - accommodation, working conditions, working time, canteen facilites, sick leave, holiday pay.

The list can be very long.

Although representatives are involved in taking up all sorts of issues on behalf of their members, it is useful to be able to identify some different kinds of matters.

For our purposes the most useful kinds of issues to identify are:

* Internal Union matters
* Matters affecting individuals
* Collective matters

This is the representative's 3-part role. It is important to distinguish betwen these three kinds of matters. So let's look at each of these in more detail:

2.1 Internal union matters

These are issues which arise at work and can only be dealt with through the union's own procedures.

For example, if someone complains to the supervisor that they are fed up with the shop steward on their section, there is little the supervisor can do about it. The appointment of shop stewards is a matter for union members themselves. So these internal union matters are:-

* DEALT WITH BY THE UNION ITSELF THROUGH ITS PROCEDURES
* SUPERVISOR HAS NOT DIRECT PART TO PLAY

2.2 Matters affecting individuals

These are issues that a representative may take up on behalf of one member without affecting the rest. Disciplinary cases are the most obvious example of this but somebody might come up with problems about their office accommodation, the difficulty of getting time off to go to the doctors or failure to provide protective clothing.

In most individual matters supervisors are in the front line. They have to know how to deal with shop stewards and their members in often difficult situations. We note that these individual matters:

* ONLY AFFECT ONE PERSON
* INVOLVE THE SUPERVISOR WHO IS A KEY PERSON IN DEALING WITH THEM

2.3 Collective matters

These are things that affect a number of people in a department or perhaps everybody in an organisation. For instance a dispute about the annual wage claim will affect everybody; a health and safety problem might affect all the people in an office or section.

In these sort of cases, supervisors may be involved in the early stages but the matter may well be referred to senior management for settlement.

It's easy to separate out these three types of issue on paper but in practice they often get mixed together. An individual grievance about a bonus payment can rapidly turn into a collective matter as other employees realise the same has happened to them. The collective dispute about a wage claim is, of course, a union matter as well.

We note that these collective matters:

* AFFECT MORE THAN ONE PERSON

* MAY INVOLVE THE SUPERVISOR BUT ARE OFTEN DEALT WITH BY HIGHER MANAGEMENT

Let's look at some cases to see what kinds of issues are included:

ACTIVITY 17
Time guide
4 mins

Look through the short examples below and decide whether the cases are union matters, individual matters or collective matters.

1 The supervisor asks Colin Parker to come and see her when he is late for the third time in a week. Colin knows he is in line for a formal warning so he brings the shop steward along with him.

Tick the box

Union Matter	
Individual Matter	
Collective Matter	

2 Ian Rogers goes to the supervisor saying that he wants to do some overtime. Ian knows there is work to be done and he needs the money. However, there is a ban on overtime at the moment because of a dispute about pay.

Tick the box

Union Matter	
Individual Matter	
Collective Matter	

3 Mary Davies goes to the typing supervisor complaining that the new visual display unit she is working with is giving her headaches. She says that the units are a health hazard and a number of other women are complaining.

Tick the box

Union Matter	
Individual Matter	
Collective Matter	

4 A shop steward goes to the supervisor complaining about the redundancy notice she has just received. She claims that she is being victimised because she says that other staff with less service are being kept on.

Tick the box

Union Matter	
Individual Matter	
Collective Matter	

---

1) The case of lateness is an individual matter. It may well be that supervisors can deal with it themselves. Colin would normally be within his rights to bring his shop steward along for a written warning.

2) The problem about overtime is essentially a union matter. It is the union which imposed the ban and it can only be lifted by a union decision. You may have said that it was an individual matter as it was one person who wanted the overtime or you may have said that it was a collective matter as it involved all the employees in dispute. There are elements of both of these in the case but at the end of the day only the union membes can decide about the overtime ban.

3) Mary Davies' complaint about the visual display unit is a collective matter. It may seem at first sight that it is an individual matter but two points weigh against that. Firstly, Mary says she is complaining on behalf of others. Secondly, if she is right about the headaches then the problem and its solution will affect all the staff. You may have said that this a union matter and it is true that a shop steward might well get involved in the case. However, the decision about the visual display units will still be made by management even if they discuss it with the union.

35

4) This is a difficult one and it could be argued that any of the answers are right. The shop steward's complaint of unfair treatment is an individual matter. Her victimisation as a shop steward is a union matter. The whole issue is a collective matter as other staff will be affected by the redundancy if the shop steward doesn't leave. In practice this is the sort of issue that supervisors would not deal with on their own. Decisions about redundancies are generally taken by senior management.

Now that we have looked at a number of different examples we can see the wide variety of problems that workplace representatives deal with. We can also see how closely supervisors are involved in industrial relations.

* THEY ARE OFTEN THE FIRST PERSON FROM THE MANAGEMENT TEAM TO GET INVOLVED WHEN PROBLEMS ARISE

3 Summary

Union representatives are involved in a wide variety of activities. These may be divided into

* Internal union matters

  DEALT WITH BY THE UNIONS ALONE

  SUPERVISOR HAS NO PART TO PLAY

* Individual matters

  AFFECT ONLY ONE PERSON

  SUPERVISOR IS KEY PERSON IN DEALING WITH THEM

* Collective matters

  AFFECT MORE THAN ONE PERSON

  MAY INCLUDE SUPERVISOR BUT OFTEN INVOLVE SENIOR MANAGEMENT

PART F THE ORGANISATION OF UNIONS

1 Introduction

To do the work of your organisation involves many people all playing their part or adding their individual contributions to the overall operation. To make sure that things happen at the right time and in the right order a whole network of management procedures and communications is set up. Trade Union business is just like this. It has large numbers of people all playing their part to reach clear objectives that its members wish to achieve. So let's explore how they set up their organisation to do this.

2 Contacts with unions

Let's look at how unions operate and how they make their decisions. We'll start off by asking about what contact you may already have with trade unions, or perhaps staff association.

Let's call both of these unions, it'll save time.

ACTIVITY 18
Time guide
2 mins

Note down TWO of the ways by which you come into contact with unions at your workplace:

* _____

* _____

---

* You may be a member yourself. Many supervisors retain their membership on promotion or join a union or staff association that caters for them;

* You may have day-to-day contact with representatives. For example, supervisors are normally the first people to be brought into disciplinary cases;

* You may be a member of the management team on a committee that consults or negotiates with representatives. For example you may serve on a Health and Safety Committee or a Joint Consultative Committee.

There are all sorts of other ways that you might come into contact with representatives many of our contacts will be informal - round the canteen table, in a pub or over the garden fence. It's unlikely that we have no contact at all with unions.

In whatever way, the contacts are made. What emerges is a different picture of industrial relations than we usually get from the newpapers or television. The media almost suggests that the only contacts are when some unfortunate confrontation occurs. We know that this is not the case.

3 Organisations involved

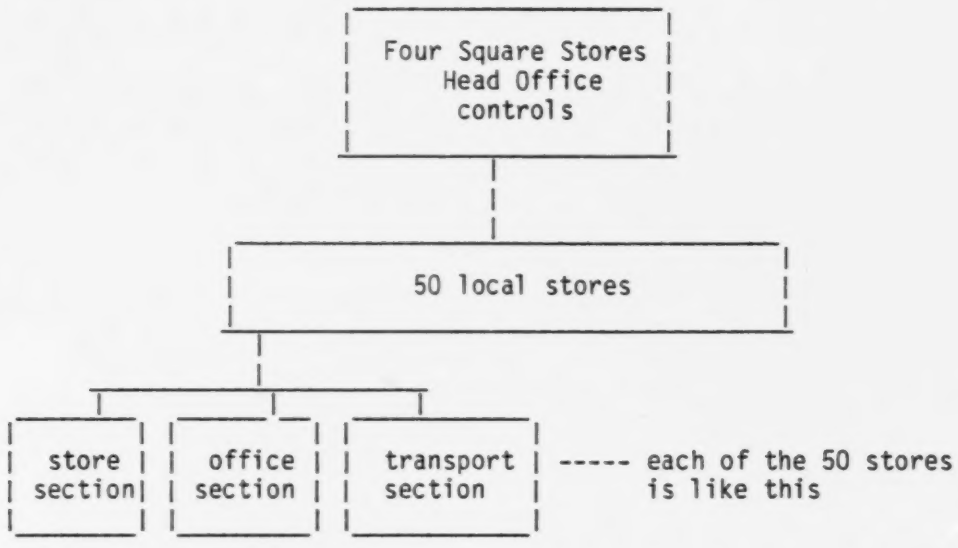
Having thought about the kinds of contact you will have with unions let's explore the levels of this involvement. We know that managements at work have a number of levels, in a similar way unions too, have a number of levels in its organisation.

3.1 Organisation of Shop Stewards

To give us the widest possible view let's use an example of a large unionised company to help us to develop our understanding.

Four Square Stores has its headquarters in Birmingham. It is based mainly in the Midlands where it has 50 stores. Investment and other financial decisions are made in the Birmingham office but otherwise individual stores are able to make their own. Within each store there are three main sections: office; transport and the store itself. Each of those sections is organised by a different union.

The company looks like this:


Four Square Stores Head Office controls
50 local stores
store section
office section
transport section
----- each of the 50 stores is like this

Let's now turn to union organisation. We have already seen that the shop steward is a local representative. They are elected by their members in a particular section or department. We will call these union representatives shop stewards, though they may have other titles.

In many organisations (like Four Square Stores for instance) we will find more than one union and a number of shop stewards.

To help make the union work better the shop stewards often come together in a committee. If there is more than one union then this is generally known as the Joint Shop Stewards Committee (or JSSC).

THE JOINT SHOP STEWARDS COMMITTEE BRINGS TOGETHER THE REPRESENTATIVES FROM DIFFERENT UNIONS IN ONE ORGANISATION

The person who chairs the Joint Shop Stewards Committee is often the senior union representative in an organisation and is commonly known as the Convenor. The name arises because he convenes or calls meetings of the committee.

Where an organisation operates on more than one site - Four Square Stores has 50 local stores for example- the unions sometimes come together to discuss items of common interest. For example it may be that at Four Square Stores there are different holiday arrangements at local level. The unions might come together to discuss a common front to improve holdiays at all 50 stores. Another example might be where the company's head office has made a decision which affects all the 50 stores together.

COMMITTEES THAT COVER A NUMBER OF UNIONS AT MORE THAN ONE SITE ARE KNOWN AS COMBINE COMMITTEES

Let's remind ourselves of the three levels of workplace union organisation.

A department or section - may have a shop steward

A number of departments and different unions - may have a joint shop stewards committee

More than one union over a number of sites - may have a combine committee

---

SELF CHECK 4
Time guide 2 mins

Here is a list of the three levels of union organisation: SHOP STEWARD; JOINT SHOP STEWARD COMMITTEE; COMBINE COMMITTEE. Drawing from this list write against each operationg level of our Four Square Stores example, the appropriate level of union organisation:

Head Office * _____

Local Store * _____

Transport section * _____

Head office would be dealt with by a combine committee; the local store would be handled by the joint shop stewards committee and the transport section would be dealt with by a shop steward.

Trade unions don't just organise at the workplace. They also organise outside. Shop stewards have to take account of the decisions made by their own unions before they act.

Let's now turn to how those decisions are made.

ACTIVITY 19
Time guide
2 mins

Think about what you have read about trade unions or any unions you are involved with. Jot down in the box below TWO types of union organisation that you have heard about.

* Branch meetings
* _____
* _____

Let's go briefly through some of the points you might have listed before we look at one or two in more detail:

* branch;
* conference;
* district or region;
* full-time officials;
* national executive;
* General Secretary or President.

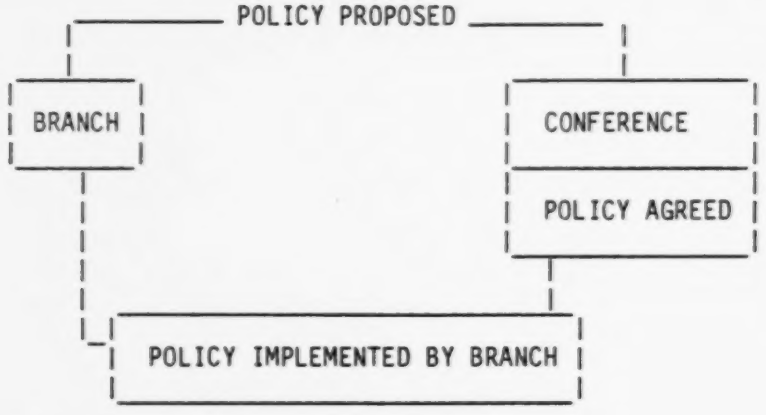
3.2 Union Branches

The most important points for supervisors to consider are those nearest home so let's start with the branch. Again it doesn't matter whether it's a union or a staff associaton - all the members will belong to a branch. The branch is the lowest level of organisation. In many ways it is also the most important. In most representative bodies decision-making both begins and ends with the members in their branches.

Let's say that a branch wanted there to be a minimum wage for all workers its members.

The branch would have to take this proposal to its national decision making body and then carry out the policy if it was agreed.

We can present this procedure in a diagram.



To begin with, there are two basic types of branch:

* The workplace branch: this is a branch that all members of one union at one workplace will join. Nobody from another workplace will be able to join that particular branch.

* The geographical branch: this is a branch which all union members in a particular locality will join. It might be, say, the Manchester branch of the print workers union.

We need not go into the reasons for this difference as many of them are rooted in history. The general trend today is for unions to adopt workplace branches.

Before we move on it is worth noting that sometimes the geographical and workplace branches get mixed together. For example, one company may have two or three sites in a big city. The branch could then cover all the members of a union at whichever plant they worked.

We could call this sort a mixed branch. So we now really have three types

* Workplace branch

* Geographical branch

* Mixed branch

Let's turn now to the next step in the organisation. Most large representative bodies will have some sort of regional structure. For example if a company with a Staff Association has 60 sites across the country then the Staff Association might have, say, Scottish and Welsh Regions, Northern, South Western and so on.

The name itself is not of great importance. Some organisations will call their regional organisation, districts or areas. In most cases these bodies will have an important administrative part to play.

For example, most unions are organised in this way. If there is a dispute which cannot be settled then it is the full-time union official based in the region who is usually brought in.

The regions are also involved in policy-making at their particular level and can take important decisions. For example, regional committees might decide on a one-day strike in their area in support of colleagues in dispute.

Although regional bodies are important it is at national level that major policy-decisions are made.

General Secretaries and Presidents operate at this National level. They are important figure heads but they are also bound by the decisions made by policy-making bodies.

3.3 Union Conferences

The most important of these bodies is the Annual Conference. If they take place every 2 years then it's a Biennial Conference.

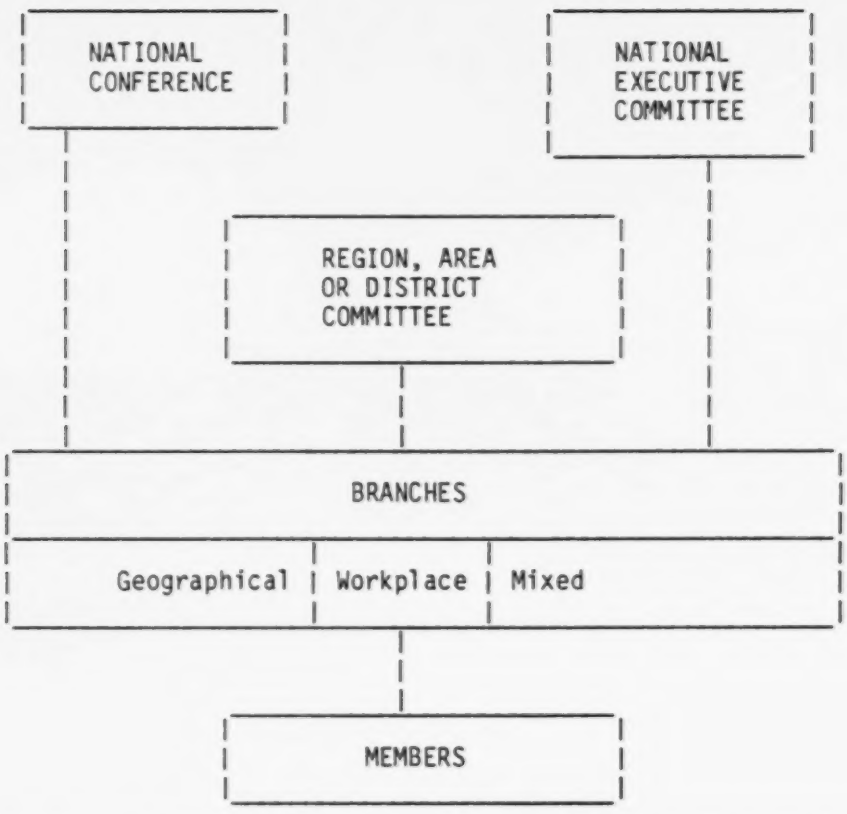
A union conference will be attended by people elected at local level to represent their members. Once a conference has made a policy decision then the whole union organisation has to follow it or implement it.

But conferences are only held once a year or every two years in some unions. This means that another body is necessary to oversee union policies between conferences. For most unions this means the election of some sort of National Executive Committee to look after National Level affairs in the meantime.

Looking back then we can see that

* conferences represent all the members
* conferences make national policy decisions
* a national executive carries out these policies between conferences.

It may be useful to put all the main points into diagrammatic form.



SELF CHECK 5
Time guide
3 mins

Respond by completing each sentence with a suitable word or words.

1 The _____ is the lowest level of union organisation.

2 There are three sorts of branches: geographical, _____ and mixed.

3 After the branch, the next step in the organisation is the _____.

4 The most important national policy making body is the _____.

5 Between conferences the _____ carries out policy.

The answer to this self check is here in the following words, so you'll need to check out your answers carefully. 1) the branch is the lowest level of union organisation; 2) the three sorts of branches are geographical, workplace and mixed; 3) the next step in the organisation is the region, area or district; 4) the most important national policy making body is the conference; 5) between conferences the national executive, national committee or national council carries out policy.

3.4 The TUC

The Trades Union Congress (TUC) is often in the news although its activities very rarely affect the day-to-day running of a workplace.

Most of Britain's larger trade unions are members of the TUC. They join on a voluntary basis and pay an affiliation fee. This allows them to take part in the policy making of the TUC. They most often do this at the annual conference when major debates are held on problems facing the whole trade union movement. As in an ordinary union, policy between conferences is carried out by an executive. In this case it is called the General Council and leading figures of the major trade unions are members.

We only rarely feel the affects of TUC policy at work because its most important job is to represent views to Governments and other external bodies.

We can see from this that when people ask the question "Why doesn't the TUC do something" it's really the wrong question. The TUC is a voluntary body which can only do what its members allow.

Its main job is to influence government policy in favour of the trade unions and their members, though it has to be said the TUC does get involved in larger union affairs like disagreements between member unions.

4 Summary

Trade unions are organised at a number of DIFFERENT LEVELS at the workplace

* SHOP STEWARD covers members in a SECTION or DEPARTMENT

* JOINT SHOP STEWARDS COMMITTEE brings together DIFFERENT UNIONS within ONE ORGANISATION

* COMBINE COMMITTEE covers ALL UNIONS in an organisation's DIFFERENT LOCATIONS.

Trade unions beyond the workplace are also organised at different levels

* BRANCH - geographical
  - workplace
  - mixed

* REGION

* NATIONAL EXECUTIVE

* CONFERENCE

* The TUC represents member unions' interests to the Government of the day.

PART G INDIVIDUAL AND COLLECTIVE MATTERS

1 Introduction

As you begin to work on this part of our unit you will realise the value of having a copy of your company's Dispute and Grievance Procedures to hand. So why not get a copy to keep beside you as you work - you'll find it very useful.

It seems clear from an earlier remark that management interests and union interests do sometimes conflict. In order to deal properly with matters of joint concern, industrial relations procedures are agreed and adopted by both parties. Two important parts of any such procedure are those concerned with Grievance and Disputes. There is so much overlap in these two procedures that it is as well to deal with them in the same part.

2 Disputes and Grievance

You will recall what we said earlier in our unit about individual matters and collective matters. We said:

Individual matters

* affect only one person

* the supervisor is a key person in dealing with them

Collective matters

* affect more than one person

* may include the supervisor but are often dealt with by more senior management.

ACTIVITY 20
Time guide
3 mins

Note down TWO examples of individual issues and TWO examples of collective issues that might arise at a workplace.

Individual * _____

* _____

Collective * _____

* _____

There are all sort of things that could be mentioned so our lists are likely to be different.

* Individual issues are grievances about accommodation, work times, health problems, holidays and so on.

* Collective issues are grievances about pay, safety, bonuses, sick pay and so on.

You may have your issues under different headings. As you can see almost any of the issues might be an individual or collective grievance. It is only possible to tell when we look at the specific circumstances of each case.

It is important to remember that something which starts out as an individual grievance can rapidly become a collective dispute if it is not dealt with promptly and properly.

Most organisations have therefore developed procedures for dealing with grievances effectively and quickly before they develop.

The four major types of procedures that organisations are likely to have are:

* Disputes Procedure
* Grievance Procedure

and

* Discipline Procedure
* Redundancy Procedure

We concentrate on the Disputes and Grievance procedures.

We have already said that individual and collective industrial relations matters can get rolled into one. The same can happen with procedures because:-

A DISPUTES procedure usually deals with COLLECTIVE issues

A GRIEVANCE procedure usually deals with INDIVIDUAL ones

In some organisations the same procedure will deal with both types of issue.

Let's now take a step-by-step look through a procedure agreement. These examples are from procedures currently operating within two major British companies. It would be useful for you to follow through your own procedure whilst working on this section to see how it matches up.

3 Procedural Principles

Procedures are agreed between two groups: management and the representatives of the workforce. For a procedure to work properly it must have the support of both parties and this is often stated formally at the beginning of an agreement.

So a procedure agreement could begin:

"The Company and the Unions agree that it is in the interests of the Company and all its Employees that the Company's business should function effectively and to the benefit of both the Company and its Employees and that this is a common objective. This will be furthered by constructive and responsible relationships which it is the intention of the Company and the Unions to maintain and foster through this Agreement."

An alternative drawn from another company:

"The Company recognises the Unions' responsibility to represent the interests of their members. The Unions recognize the Company's responsibility to manage the Company's operations.

All parties recognize the necessity to use the agreed procedures."

These general principles are often followed by statements about recognition and representation which we dealt with earlier.

The next important feature will be the details of the procedure for dealing with any matters of disagreement.

Let's look at an example of a procedure. Read it through - give about 5 mins to do this - then move on to the activity which follows it:

Individual Grievances Procedure

1 An Employee who wishes to raise any matter in relation to their employment should in the first instance do so with their immediate manager.

2 If as a result of that discussion the matter remains unresolved the Employee may take their case to their Representative who may then together with the Employee, discuss it with the manager concerned.

3 If the matter is still unresolved the Employee, accompanied by their Representative, may raise the issue with their departmental manager or equivalent. An appropriate member of local personnel management may also take part.

4 If the matter is still not resolved the Employee may refer it to a local full time official of the Unions, who may if they wish request in writing via the Personnel Manager a formal meeting with the Head of Department (or equivalent Works Manager) or an appropriate Senior Manager acting on his behalf. At this stage the Personnel Manager or his nominee may take part.

5 If the matter remains unresolved it may be referred to national level for a meeting between a national officer of the Unions and the Central Personnel Department of the Company. Such a meeting will be initiated by a request in writing by the full time national officer to the Company.

6 At stages 3 and 4 agreed minutes of the meeting will be made. A brief note summarising discussions in the earlier stages of procedure will also be made to assist definition of the problem prior to progressing it through the procedure.

Collective Issues

7 In the case of an issue being raised by more than one member of the Unions, the appropriate Representative(s) may raise the matter at stage 1 above and from that point the procedure as outlined for individual grievances will be followed.

8 It will also be possible, by mutual agreement, for Representatives to raise matters directly with the appropriate member of the local Personnel Department at stage 2 above and from that point the procedure as outlined for individual grievances will be followed.

ACTIVITY 21
Time guide
4 mins

Look back through the procedure and note down TWO good points about it and TWO bad points.

Good points * _____

_____

* _____

_____

Bad points * _____

_____

* _____

_____

As this is a tried and tested procedure you may not have noticed many problems so let's start with the good points:

* it is clear and easily understood;

* the stages in the procedure are easily identified.

Any individual with a problem can see how it will be dealt with;

* the responsibilities of each level of management are indicated;

* the procedure allows for employees to be represented where necessary.

Now to potential bad points:

* it is not clear how long it might take a grievance to get through the procedure;

* there is no opportunity for outside involvement;

* there is no clear indication of what happens if the parties fail to agree at the end of the procedure.

Let's look at each of these bad points in a bit more detail and see how they might be tackled.

3.1 Time limits

This arises because, as we noted above, "it is not clear how long it might take a grievance to get through the procedure"

ACTIVITY 22
Time guide
2 mins

Note down TWO observations you have about time limits in a procedure agreement.

* _____

_____

_____

* _____

_____

_____

Here are three points about time limits:

* if we go through too fast then hasty decisions might be made;

* greater speed can also mean that there is not the proper opportunity for a grievance to be settled at the lowest level, particularly if a key person is away from work;

* time limits that are too long can be a way of making a mountain out of a molehill.

In any procedure agreement we try to ensure that problems are dealt with satisfactorily and quickly. So an agreement might say:

> The Company and the Unions agree that in order to maintain good constructive relationships, problems should be discussed **WITHOUT UNDUE DELAY AND BE RESOLVED AT THE EARLIEST STAGE POSSIBLE IN THE PROCEDURE.**
>
> To this end there will be the minimum of delay in arranging meetings at each stage of the procedure.

Some organisations have decided that they want a strict and clear time scale.

They may say, for example, that the first stage of a procedure should be completed in 24 hours; the second stage within 3 days and so on.

What is important is not so much the form of words as the commitment by both parties to process grievances speedily, while still allowing time for proper discussion.

3.2 Outside involvement

Clearly, we would all like to resolve our own problems ourselves without seeking outside help. But as we can see in our Individual Grievance Procedure there is no opportunity for outside involvement.

ACTIVITY 23
Time guide
2 mins

Note down ONE advantage and ONE disadvantage you can think ofin having an outside body involved in a procedure.

Advantage * _____

_____

Disadvantage * _____

_____

_____

Advantages:

* an outside body can offer a way out if there is a failure to agree

* outside bodies can bring fresh ideas to the problems

* outsiders can 'carry the can' for unpopular decisions

Disadvantages:

* outsiders do not have detailed knowledge of your workplace

* outsiders may not always understand the implications of their decisions

* using outsiders removes autonomy from the main Parties.

Some organisations see it as a failure if they are unable to sort out their own disputes and have to bring in outsiders. Certainly, it is usually better to resolve problems within the organisation as everybody will understand what is going on. There are occasions when that just does not seem possible. Both sides have taken such an entrenched position that only a fresh mind will break the deadlock.

As we can see below, the example we are following has made provision for this:-

> In the event of the provisions of the Negotiating Procedure failing to resolve an individual, collective or Company-wide issue, then the Unions and the Company shall consider the matter jointly and may if it is mutally agreed to do so refer it to conciliation arbitration or other forms of assistance.

We shall be looking at what the terms conciliation and arbitration mean a bit later on.

There are two outside organisations that may be able to assist.

* An individual organisaton may be a member of an Employers' Association which could be brought in to along with national union officials.

* The Advisory, Conciliation and Arbitration Service (ACAS) is a government funded but entirely independent body that can provide a free service to organisations requiring outside help.

3.3 Failure to Agree

Now to the third criticism of our Individual Grievance Porcedure - you'll recall that it was not clear what happens if the parties fail to agree.

The idea of procedures are to try and resolve disputes.

As our example says:

> It is mutually agreed that the aim of the negotiating procedure is to avoid disputes until all stages and all other means of reaching a settlement have been explored

Whilst these discussions are taking place it is important that action is not taken which will worsen the dispute.

Many agreements contain what is known as a

STATUS QUO CLAUSE

That is, a commitment that no changes will take place until the procedure has been gone through.

We can see an example of this from another agreement.

> "The payment conditions and terms and conditions of employment in force immediately prior to the dispute shall remain the same until the pocedures are exhausted."

If there is still a failure to agree at the end of the whole procedure then it is for each side to make up its mind what to do eg:-

* management may drop or change its proposals

* the unions may drop their demands or take industrial action.

As we can see, procedures which are made to work effectively can be the basis for good industrial relations. Following agreed procedures regulates the behaviour of all those involved and establishes the rights of all parties to a proper hearing when they feel agrieved.

Now to a self check on this part of our unit:

SELF CHECK 6
Time guide
4 mins

Complete each sentence with a suitable word or words.

1 A good procedure is one where the _____ can be easily identified.

2 It is important to allow those with grievances to be _____.

3 Decisions should be reached at the _____ level possible.

4 Grievances should be dealt with without undue _____.

5 If there is a failure to agree it is useful to bring in an _____ organisation.

6 The responsibilities of each _____ of management should be clear.

The answer to this self check is here in the following words, so you'll need to check out your answers carefully. 1) stages, we could have used levels, knowing these stages well means that all involved know where they are and what will happen next 2) represented we could use accompanies by a colleague or union representative, the important feature is that the aggrieved person is not left to sort out disagreement on their own 3) lowest, we could have used least, it's always better to sort problems out at the supervisor level - once it moves from here matters get more formal and more complicated and so perhaps more difficult to resolve 4) delay, we could also have used haste - it's important to deal with problems as quickly as can practically be managed. A speedy resolution which still leaves discontent is equally unsatisfactory as taking too long to reach a satisfactory solution 5) outside, we could have independent, the important thing is to reserve the option of seeking other less involved people to help if things get stuck 6) level, we could have used group, as long as each level of management know the extent of their authority and what they can and cannot decide on then things should move properly to a conclusion.

4 Summary

PROCEDURES HELP TO DEAL WITH GRIEVANCES

* grievance procedure usually deals with individual cases
* disputes procedure usually deals with collective cases.

THE SUPERVISOR IS A KEY PERSON IN INDIVIDUAL GRIEVANCES.

A PROCEDURE HAS A NUMBER OF STAGES. It should be

* clear and easily understood
* the stages must show how the matter is to be handled and by whom
* show who has authority to take decisions
* allow for representation when necessary

It should also be thought whether it is appropriate to have

* time limits - careful balance between delay and haste
* reference to outside help eg ACAS, Employers Association.

OUTSIDE BODIES CAN HELP WHERE:

* the parties just can't agree
* a fresh unbiased mind can come up with a new idea

A STATUS QUO CLAUSE CAN HELP TO PREVENT:

* matters getting worse while trying to resolve a failure to agree.

PART H ACAS - ADVISORY CONCILIATION AND ARBITRATION SERVICE.

1 Introduction

We sometimes read in our newspapers that ACAS has been called in to try and sort out a major dispute. We see pictures of groups of people outside the ACAS offices talking to reporters and perhaps the dispute is sorted out.

Yet we find out very little about what ACAS is and what it did to help resolve the dispute. In fact, the vast majority of the work of ACAS is quiet and unspectacular.

In this section we will look at this side of ACAS's work and find out how it might get involved in industrial relations at your workplace.

The work of ACAS should not be confused with the work of Industrial Tribunals. An Industrial Tribunal deals with cases under the law which cannot be resoved voluntarily with the help of ACAS.

2 ACAS Activities

The Advisory Conciliation and Arbitration Service (ACAS) was set up under the Employment Protection Act of 1975.

Although it was established by parliament and its money comes from government it is a completely independent body. It provides its services free of charge to both employers and trade unions.

We can see what sort of work ACAS gets involed in by looking at some figures from 1983 Annual Report.

Type of Activity	Number of cases dealt with
Inquiry calls	279,000
Individual conciliation (often in unfair dismissal cases)	42,960
Collective conciliation	1,621
Arbitration and mediation	207
In-depth advisory projects	717

Let's look at these areas in more detail and describe what each part of the work involves and how it might affect your workplace.

2.1 Inquiry calls

It is open to anybody to telephone or call at an ACAS office and ask for free advice about an industrial relations problem. Most of the inquiries relate to individual rights and responsibilities under the employment laws.

We wouldn't expect supervisors to seek advice from ACAS on particular cases. This would be done by higher management or others specifically employed to deal with Industrial Relations.

The inquiry service is of particular use to individuals or smaller businesses which haven't got special departments to deal with industrial relations.

Some examples of the sorts of questions that might be taken up through the inquiry service are

* is a part-timer with one year's service entitled to claim unfair dismissal

* can the shop steward have paid time off to attend the annual union conference

* are collective agreements legally binding

* can I discriminate in offering a woman a job because my customers expect to be served by a man.

The list is endless but in many cases it is the supervisor who is seeking answers to questions like those. Use of the ACAS inquiry service can be an important way of dealing with problems.

2.3 Conciliation

There are two types of conciliation

* individual - while the issue involves only one person.

* collective - where some issue involves a number of people

In both cases the job of ACAS is to bring the two parties together to try and reach an agreement which is acceptable to both.

Conciliation usually occurs when both parties have discussed the matter with each other and failed to reach an agreement. ACAS will not decide the matter for them but it will encourage them to reach voluntary agreements themselves. In doing this, ACAS may make recommendations but it is still the responsibility of the parties to accept them and make them the basis for an agreement.

Let's look at an example of each type of conciliation:

Example 1 Individual concilation

Joe Mills drives a furniture van for a small removal company. He also does his own repairs on the van. In the last three months Joe's van has broken down four times in the middle of deliveries. This has cost the company a lot of money as work is taking longer and other deliveries are not being made. The company decides to dismiss Joe. They say he is not doing his job properly. Joe says he is a driver not a mechanic and anyway the van's too old for the job. He says he will claim unfair dismissal.

Before any case for unfair dismissal is decided upon ACAS is asked to conciliate. At the meeting the ACAS staff member points out a number of options.

* Pay a lump sum compensation of a month's wages to Joe and hope to end the matter there.

* Take Joe back on for a trial period of three months. In the meantime, get the van sorted out by a professional mechanic.

Whatever agreement the two parties reach is up to them. The ACAS officer has helped them look at the options and pointed out the problems of carrying on to a tribunal.

Example 2 Collective conciliation

The unions at Anywhere Construction Site have asked that all staff be issued with their own personal hard hats, overalls and safety boots. They argue that all employees, even those who work in the offices, have to pass across the site regularly and that their safety should be the primary concern of the company. The company says it will provide safety wear for those directly working on the site but not for anyone else.

Were ACAS to be brought in to help they would probably point out that this is a dispute which could lead to industrial action. The ACAS officer would explain to each side the cost of such action and note that there is some area of agreement. Both parties would agree that there are some employees who must be issued with safety wear. The ACAS officer might ask the parties to look at some options:-

* Conduct a survey to find out which other staff regularly use the site for long periods and issuing them with all the equipment.

* Have a 'pool' of safety wear available for people to use.

* Re-plan the site so that office staff do not have to cross it.

The ACAS officer might also remind the parties of the Health and Safety measures covering the case.

Again, the final agreement is for the parties to decide themselves.

As we can see, the conciliation officers' job is a highly skilled one: encouraging the parties to look at the options available and reach an acceptable solution suitable to their circumstances.

It is clear that conciliation can have an important and helpful part to play in workplace industrial relations.

2.3 Arbitration and Mediation

Although these two processes are different they have in common that they both come into play when mediation fails. So let's see how they differ by looking at each in a little detail.

Firstly arbitration:

Arbitration is normally used when all other methods of resolving a dispute have failed.

It is a system where independent people are brought in to make a final decision.

Although arbitration awards are not generally binding in law both parties are honour bound to accept the arbitration decision. They may have already formally agreed to accept any decision whatever it is.

ACAS itself will not act as arbitrator - to do so might undermine its impartiality. Instead it maintains a list of suitably qualified people.

In many ways, arbitration is not a satisfactory means of settling disagreements. Through no fault of their own, the compromise that arbitrators make usually contain disappointments for both sides.

However, it does provide a useful way out when both sides have taken entrenched positions and neither wants to lose face by giving way.

Let's look at an example:

A company has just introduced new machinery that is controlled by a computer. The union which has traditonally operated the shop floor machinery says that its members should be trained in the skills that are required. They are refusing to operate any new machinery in the plant. They also argue that all the existing staff should be retained although the new machinery requires fewer operators.

Management has allocated the work on programming the new machines to the company's technical staff. They say they have been trained for the job and that programming is a technician's job not an operator's job. They also insist that manning levels must be reduced. It is clear that both sides have taken entrenched positions.

It would be for an arbitrator to decide to which group of employees the new work will go. The arbitrator will also need to decide on the number of employees needed to operate the machines.

As we can see from this example, an arbitrator is often left to make a decision which may well to be unpopular with one side and may even leave both dissatisfied.

Now let's turn to see what Mediation is:

ACAS describes mediation as a half-way house between conciliation and arbitration.

* In conciliation the parties are encouraged to find their own solutions; * in arbitration solutions are imposed upon them; * in mediation the ACAS officer can make formal proposals of his own. These proposals may be accepted as they stand or provide the basis for further discussion. Unlike Arbitration the parties are not honour bound to accept the mediators' recommendations.

So the parties in dipute will listen to a number of proposals made by the medator. But in the end it's the parties that will have to decide.

2.4 Advisory work

This is an important area of ACAS's work. As well as 279,000 inquiries and over 700 in depth exercises ACAS was involved in over 10,000 advisory visits.

It should come as no surprise to supervisors to find that in one way or another ACAS has got involved in the industrial relations of their organisation.

ACAS's advisory work is generally concerned with more long-term industrial relations issues. It is preventive medicine rather than emergency treatment.

The most significant areas that ACAS has given advice on are:

* procedures or grievances and discipline

* pay matters and payment systems

* rights of individual employees

* job descriptions and job evaluation.

REFERENCE 2 page 79

Let's look at an example of advisory work taken from an ACAS annual report.

The case involved Wilson's Brewery in Manchester and the United Road Transport Union (URTU).

The brewery is part of the Grand Metropolitan Hotels group and supplies beer to public houses in Greater Manchester and some areas of Yorkshire. The delivery men and some of the production workers are represented by URTU. As part of an examination of productivity, a jointly agreed revision to the bonus scheme for the local delivery fleet was introduced. After a trial period, the trade union gave notice that its members were unhappy with the operation of the scheme, so management and union jointly contacted ACAS requesting a survey to examine the workings of the bonus system. Terms of reference were agreed to conduct a survey into the bonus scheme in relation to performance, methods and payment and recommend appropriate modifications.

The ACAS advisers discussed the problem with management, the trade union Regional Officer, the Branch Secretary, the shop steward of the local delivery fleet and a number of drivers and production workers. Average weekly bonus earnings were calculated for a three-month period which the parties agreed was representative of normal work-loading. The survey team examined clock cards and bonus sheets and particular records and delivery sheets for six crews whose members were interviewed and observed at work. Bonus scheme data and minutes of meetings held during the introduction of the revised scheme were also examined.

The survey report contained a variety of recommendations on such matters as difficulties at the point of delivery, the adequacy of manning of the delivery crews and the basis on which the bonus was earned, allowances paid and penalties incurred. Specific recommendations included an examination of the varying payments for some work; changes in handling facilities, where appropriate; consideration of the possibility of three-men crews in exceptional cases; consideration of the feasibility of basing the scheme on deliveries only, with a separate scheme for the collection of empty bottles; examination of the standards allowed for fine beer deliveries, where it appeared that more care is needed than in handling keg products; changes in load planning and in the criteria for paying travel allowances; a joint review of waiting time arrangements and a revision of the penalties for lateness. The team also recommended that the instructions to the bonus clerk of arrangements and rules affecting pay, whach had previously been by verbal agreements, should be set down in writing.

The parties expressed their appreciation of the survey, and discussions on the recommendations were initiated. The company also reported that an improved industrial relations climate prevailed. Reference to ACAS had helped to avoid potential confrontation and the Service, as an independent party, had made unbiased recommendations which had formed the basis of continuing discussions between the parties.

3 Summary

ACAS STANDS FOR ADVISORY CONCILIATION AND ARBITRATION SERVICE

ACAS is

* funded by Government but is a fully independent body

* offers free services to those at work who have Industrial Relation problems or difficulties.

THE MAIN ACTIVITIES OF ACAS ARE:

* INQUIRY CALLS - on-the-spot advice to anyone who asks

* CONCILIATION for:

  Individual disputes - Unfair dismissals or other individual matters

  Collective disputes - Disputes between a management group and a union or other groups of employees.

* ARBITRATION AND MEDIATION

  Arbitration - decision is made by an outside body for the parties to a disagreement

  Mediation - suggestions and proposals post to the parties in dispute for their consideration.

* ADVISORY WORK - the working experience of ACAS can be used when companies are setting up procedures - these are then more likely to be workable.

* THE DIFFERENCE BETWEEN CONCILIATION, ARBITRATION AND MEDIATION:

* In Conciliation parties are encouraged to find their own solution

* In Arbitration solutions are generally imposed on parties

* In Mediation solutions and proposals are offered for the parties to consider.

PART I PERFORMANCE CHECKS

Time guide
60 mins

1 End Check

You may review you understanding of the Unit as a whole by completing this group of questions. DON'T GUESS THE ANSWERS - if you're not sure, flick back into the Unit and check before responding.

If you are still unsure then put a question mark against your response before proceeding.

TRUE/FALSE

1 Supervisors have no part to play in industrial relations _____

2 In a post-entry closed shop you must have a union card before you start work _____

3 It can be fair to dismiss someone who refuses to join a closed shop _____

4 The law says that trade union members have the right to elect a shop steward _____

5 The annual conference is the supreme policy making body of a union _____

6 A shop steward only deals with collective matters not individual ones _____

7 Procedure agreements are the rules for conducting industrial relations _____

8 ACAS provides free advice to companies about industrial relation matters _____

COMPLETION

Respond by completing each sentence with a suitable word or words.

9 Industrial Relations is about people and _____.

10 A craft union recruits _____ workpeople.

11 A _____ exists when union membership is compulsory.

12 Deducting union membership fees directly from the wage packet is known as _____.

13 There are three sorts of trade union branch: geographical _____ and mixed.

14 The person who chairs a shop stewards' committee is known as the _____.

15 Procedure agreements should allow for employees to be _____

18 ACAS is the Advisory Conciliation and _____ Service.

MULTIPLE CHOICE

Respond to each question by putting a mark against the ONE answer which is most correct.

17 Employers' Associations negotiate:

(a) National agreements

(b) Local Agreements

(c) Have no negotiating powers

18 The National Union of Railwaymen is a:

(a) skilled union

(b) general union

(c) white collar union

(d) industrial union

19 In a ballot on a closed shop the required majority of those elegible to vote is:

(a) 60%

(b) 75%

(c) 80%

(d) 90%

20 To do which of these does a shop steward <u>not</u> have a legal right to reasonable paid time off:

(a) represent a disciplined member

(b) go on approved training course

(c) meet new employees

(d) go to their union conference

21 Union Committees that cover all the unions at one workplace are known as:

(a) shop stewards committees

(b) combine committees

(c) joint shop stewards committees

22 Which of the following imposes a binding agreement on the two parties:

(a) arbitration

(b) mediation

(c) conciliation

23 Which of these MUST a procedure agreement contain:

(a) reference to ACAS

(b) time limits

(c) stages

24 Which of these would a supervisor not deal with:

(a) individual grievance

(b) union grievance

(c) collective grievance

END CHECK - Checkout

Audio Tape Side 2 Time guide 35 mins

The answers and explanations for these End Checks are on Side 2 of our Audio Tape. Have your responses with you as you play this tape. As you listen you can check out how well you have done and make notes as you proceed.

2 Tutor Check

Time guide 60 mins

Read the following case incident, then deal with the accompanying questions.

Case Incident

Crowther's Pastries began operations ten years ago as a small company making high quality food products for local food stores. It started with a staff of 20 employees in the baking department but it has recently expanded because its growing reputation has led to orders from a national supermarket chain. This has meant a move to larger premises and the recruitment of another is baking staff and 4 extra drivers.

The managing director liked to keep personal control of the company and although he is not opposed to trade unions he has never encouraged them. However, the Transport and General Workers Union had recruited members from the start. Following the recent expansion the TGWU stepped up its recruitment drive and now 32 of the 39 bakery staff and drivers are members. The union also has two members out of the five supervisory and quality checking staff.

It has now sent the following letter to the managing director.

TGWU
Transport House
Deakin Road, Bevinton

Dear Mr. Crowther

TGWU Recognition

As you will be aware a substantial majority of your baking and supervisory staff are now members of this union. In the past we have only been recognised to represent our members in disciplinary cases and we have had no part in the company's wage bargaining. We feel it will be to our mutual advantage to put these arrangements on a more formal footing.

Accordingly we propose the following:

Proposal 1 That TGWU membership be a condition of employment for all baker and supervisory staff.

Proposal 2 That two shop stewards be recognised as representataives of the workforce and appropriate time off be allowed for training. That appropriate facilities are given to allow them to carry out their duties.

Proposal 3 That a procedure agreement be jointly entered into which recognises the union for all collective bargaining purposes including wage negotiations.

I hope to be able to meet you in the next two weeks to discuss these points.

Yours sincerely

Tony Hodgson

The managing director calls you into his office to discuss the letter. He reminds you that he is not opposed to the union in principle and says that he has been thinking of putting the arrangements on a more formal footing since the move to new premises. However, he says he is too busy with the business to look at the proposal in detail so he asks you for your comments.

Write one or two sentences against each proposal listed.

Proposal 1 - Give two main advantages for this closed-shop agreement and one disadvantage.

Proposal 2 - Give one reason for each suggested provision and explain how this proposal would be worth the cost

Proposal 3 - Give two main advantages for this proposal.

Send to tutor

Now get your answers to you study tutor either by post or by handing it over personally. you will receive your tutor's assessment and comment back through the post as soon as can be managed.

3 Work-based Project

Complete either Task 1; Task 2 OR Task 3 depending on your own work circumstances.

Time guide 60 mins

You only need to write single-word answers or ONE or TWO short sentences to each question.

Task 1

If you work at a large workplace with a high level of union organisation collect information and complete the following checklist about your workplace.

1 Name up to three of the unions

2 Which grades or types of workers do each of the unions represent?

3 Do any of the unions have closed shop agreements?

4 Is there a check off agreement?

5 How many shop stewards or representatives does each union have?

6 What facilities do the shop stewards have?

7 Have the shop stewards been on training courses? If so what were they?

8 How are the shop stewards organised?

9 Which members of the management team have specific responsibilities for industrial relations?

10 Is your company a member of an employers' association? Which one?

11 Does your company have a disputes procedure?

- What are the general principles?
- What are the stages?
- What happens if there is a failure to agree?

Task 2

If you work at a smaller company or one without unions then answer the following questions.

1 How are the employees represented?

2 What improvements could be considered in the representation system?

3 Which members of the management team are responsible for industrial relations?

4 Have any managers or employees been on industrial relations training course?

5 Is your organisation a member of an employers organisation? Which one?

6 If your organisation HAS A DISPUTES PROCEDURE

- What are the general principles?

- What are the stages?

- What happens if there is a failure to agree?

OR

If your company HAS NO AGREED DISPUTES PROCEDURE outline the main principles of one which would be appropriate to your circumstances.

Task 3

Using the material in this unit write a questionnaire of about ten questions designed to test people's understanding of industrial relations. You should try and make the questions relevant to your own workplace but here are some examples:

1 Tell me what a shop steward is?

2 What is a closed shop?

3 Does your organisation have a closed-shop agreement? Ask at least eight people to answer your questionnaire. You could include managers, supervisors, white collar staff, and manual work people.

4 Has your organisation used ACAS in the past year?

Collect your completed questionnaires together and attach a note or two of your own on any interesting observation you make.

Send to tutor

Now get your answers to you study tutor either by post or by handing it over personally. you will receive your tutor's assessment and comment back through the post as soon as can be managed.

PART J UNIT REVIEW

1 Return to Objectives

Having completed your work on this unit, let's review how you feel about each of our four opening objectives. I will repeat them here and add comment:

You should now be better able to:

* DESCRIBE THE WAY MANAGEMENTS AND UNIONS ARE ORGANISED TO DEAL WITH INDUSTRIAL RELATIONS

Because of the potential for disagreement between different groups of people in organisation then these groups need to be organised. If you can describe the main ways in which these groups are set up then you have reached this objective.

* LIST THE RIGHTS OF UNION REPRESENTATIVES IN RELATION TO THE LAW

Rather than leaving unions to argue for certain rights, the government of the day sets out the rights in law. You should be able to list the main rights under current law. We should note however that governments do change and that these leave change - we must keep ourselves up to date with these changes.

* DESCRIBE THE APPLICATIONS OF DISPUTE AND GRIEVANCE PROCEDURES

Disagreements at work are mostly sorted out quickly and satisfactorily at the supervisor level. If they can't be sorted out at this level then they move to more formal and complicated stages. you should be able to describe the procedures that your company uses to resolve disagreements of an individual kind and of a collective kind.

* LIST THE MAIN SERVICES THAT ACAS CAN PROVIDE TO HELP IN INDUSTRIAL RELATION AFFAIRS

The vast majority of disputes in organisations are settled by the parties to the dispute without any outside help. However, you should be able to list the helpful services that ACAS can provide for those who get into industrial relations difficulty.

In the course of your work on this unit you will have reached or attained more objectives than these. If you have at least achieved the ones listed here then you must be feeling a lot more confident about your role in Industrial Relations. So this unit will have helped you achieve this purpose.

I hope this work you have done was enjoyable and useful enough to encourage you to continue in your studies.

2 Extensions

EXTENSION 1 ACAS Code of Practice No 3

TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

Introduction

1 Under section 6 of the Employment Protection Act 1975 (referred to hereafter as the Act) the Advisory, Conciliation and Arbitration Service (ACAS) has a duty to provide practical guidance on the time off to be permitted by an employer

(a) to a trade union official in accordance with section 57 of the Act; and

(b) to a trade union member in accordance with section 58 of the Act.

This Code is intended to provide such guidance.

2 Section 57 of the Act requires an employer to permit an employee of his or hers, who is an official of an independent trade union which is recognised by the employer, to take reasonable paid time off during the employee's working hours for the purpose of enabling the employee

(a) to carry out those duties which are concerned with industrial relations between his or her employer and any associated employer and their employees: or

(b) to undergo training in aspects of industrial relations which is

(i) relevent to the carrying out of those duties: and

(ii) approved by the Trades Union Congress or by the independent trade union of which he or she is an official.

3 An employer who permits an employee time off under this section is required to pay him or her for the time off taken. Where the employee's pay does not vary with the amount of work done, the employer is required by the Act to pay the employee as if he or she had worked during the period when the time off was taken. Where the employee's pay does vary according to the amount of work done then payment for the time off permitted is to be calculated by reference to the average hourly earnings for the work the employee is employed to do.

4 For the purposes of section 57 of the Act the word 'official' means an employee who has been elected or appointed in accordance with the rules of the union to be a representative of all or some of the union's members in a particular company or workplace.

5 Section 58 of the Act requires an employer to permit an employee of his or hers who is a member of an appropriate trade union to take reasonable time off during the employee's working hours for the purpose of taking part in any trade union activity to which the section applies. Trade union activities to which the section applies are any activities of an appropriate trade union of which the employee is a member; and any activities in relation to which the employee is acting as a representative of such a union; but excluding activities which themselves consist of industrial action whether or not in contemplation or furtherance of a trade dispute. There is no requirement under section 58 that union members or representatives be paid for time off taken on union activities.

6 The amount of time off under section 57 and 58 of the Act, the purposes for which, the occasions on which and any conditions subject to which time off may so be taken are those that are reasonable in all the circumstances having regard to any relevant provisions of this Code of Practice.

7 Sections 57 and 58 of the Act provide that a trade union official or member may present a complaint to an industrial tribunal that his or her employer has failed to permit the taking of time off as required by these sections or, in the case of an official, to pay him or her the whole or part of any amount required by the Act to be paid. Such complaints may be resolved by conciliation by ACAS, and if such a resolution is achieved no tribuanal hearing will be necessary. This Code will be taken into account in determining any question arising during tribunal proceedings on sections 57 and 58, although failure to observe any provision of the Code will not of itself render a person liable to any proceedings.

General considerations for time off arrangements

8 The general purpose of the statutory provisions on time off for trade union duties and activities is to aid and improve the conduct of industrial relations . These provisions apply to all employers without exception as to size or type of business or service. But trade unions should be aware of the wide variety of circumsntances and the different operational requirements which will have to be taken into account in any arrangements for dealing with time off. For example, some employers face particular exigencies of production, services and safety in process industries. Others operate in the special circumstances of the small firm, in enterprises large and small the workforce may be fragmented. Proper regard will therefore have to be paid to particular operational requirements and obligations of different industries and services.

9 Union officials and members may face particular problems of effective representation and communication, and employers in their turn should be aware of these. They may arise, for example, from the differing hours or shifts worked by members in a single negotiating area; from employment part-time; from the scattered or isolated locations of workplace and, particularly in the case of some married women, from domestic commitments which limit the possibilities of active participation in their union outside the workplace and outside the hours of normal day working.

10 To take account of this wide variety of circumstances and problems, employers and unions should reach agreement on arrangements for handling time off in ways appropriate to their own situations. Subsequent advice in the Code should be read in the light of this primary point of guidance which ACAS considers fundamental to the proper operation of time off facilities. The absence of a formal agreement dealing specifically with time off for trade union duties and activities should not of itself preclude the granting of release.

11 Employers and unions, at the appropriate level, will need to review jointly their current time off provisions bearing in mind the statutory requirements, this Code of Practice and the particular workplace circumstances. Where existing arrangements meet these requirements and are working to the satisfaction of both parties they need not be changed. In some situations time off arrangements will have to be revised and it may be helpful to set out any such revised arrangements in formal agreements.

12 Arrangements for the handling of time off for union duties, industrial relations training and union activities should accord with agreed procedures for negotiation, consultation, grievance handling and dispute settlement. Agreements on time off and on other facilities for union representation should be consistent with wider agreements which should deal with such matters of workplace representation as constituencies, number of representatives and the form of any joint credentials.

Trade union officials' duties concerned with industrial relations

13 In addition to his or her work as an employee a trade union official may have important duties concerned with industrial relations. An official's duties are those duties pertaining to his or her role in the jointly agreed procedures or customary arrangements for consultation, collective bargaining and grievance handling, where such matters concern the employer and any associated employer and their employees. To perform these duties properly an official should be permitted to take reasonable paid time off during working hours for such purposes as

(a) collective bargaining with the appropriate level of management;

(b) informing constituents about negotiations or consultations with management;

(c) meetings with other lay officials or with full-time union officers on matters which are concerned with industrial relations between his or her employer and any associated employer and their employees;

(d) interviews with and on behalf of constituents on grievance and discipline matters concerning them and their employer;

(e) appearing on behalf of constituents before an outside official body, such as an industrial tribunal, which is dealing with an industrial relations matters concerning the employer; and

(f) explanations to new employees whom he or she will represent of the role of the union in the workplace industrial relations structure

Training of officials in aspects of industrial relations

14 To carry out their duties effectively officials need to possess skills and knowledge. In addition to the practical experience obtained from holding office officials should undertake training in relevant subjects when necessary.

15 Training should be relevant to the industrial relations duties of an official. It should be approved by the TUC or the official's union. An official's industrial relations duties will vary according to the collective bargaining arrangements at the place of work, the structure of the union and the role of the official. Accordingly, there is no universally applicable syllabus for training.

16 An official who has duties concerned with industrial relations should be permitted to take reasonable paid time off work for initial basic training and such training should be arranged as soon as possible after the official is elected or appointed.

17 An official should be permitted to take reasonable paid time off work for further training relevant to the carrying out of his or her duties concerned with industrial relations where he or she has special responsibilities or where such training is necessary to meet circumstances such as changes in the structure or topics of negotiations at the place of employment or legislative changes affecting industial relations.

18 When the trade union has identified a need for basic or further training and wishes an offical to receive training it should inform management what training it has approved for the purpose and, if the employers asks for it, supply a copy of the syllabus or prospectus indicating the contents of the training course or programme.

19 The number of officials receiving training from any one place of employment at any one time should be that which is reasonable in the circumstances, bearing in mind such factors as the operational requirements of the employer and the availability of relevant courses. Trade unions should normally give at least a few weeks' notice of their nominations for training.

20 Unions and management should endeavour to reach agreement on the appropriate numbers and arrangements and should refer any problem which may arise to the relevant procedure.

Trade union activities

21 To operate effectively and democratically trade unions need the active participation of members in certain union activities. A member should therefore be permitted to take reasonable time off during working hours for union activities such as taking part, as a representative, in meetings of official policy-making bodies of the union such as the executive committee or annual conference, or representing the union on external bodies such as the committees of industrial training boards.

22 Members should be permitted to take reasonable time off during working hours for such purposes as voting at the workplace in union elections. Also there may be occasions when it is reasonable for unions to hold meetings of members during working hours because of the urgency of the matter to be discussed or where to do so would not adversely affect production or services. Employers may also have an interest in ensuring that meetings are representative.

Conditions relating to time off

23 For time off arrangements to work satisfactorily the trade union should ensure that its officials are fully aware of their role, responsibilities and functions. The union should inform management, in writing, as soon as possible after officials are appointed or have resigned and should ensure that officials receive any appropriate written credentials promptly. Management at all levels should be familiar with agreements and arrangements relating to time off.

24 Management should make available to officials the facilities necessary for them to perform their duties efficiently and to communicate effectively with members, fellow lay officials and full-time officers. Such facilities may include accommodation for meetings, access to a telephone, notice boards and, where the volume of the official's work justifies it, the use of office facilities.

25 Management is responsible for maintaining production and service to customers, and for making the operational arrangements for time off. Union officials should bear in mind management's problems in discharging these responsbilities. The union official who seeks time off should ensure that the appropriate management representative is informed as far in advances as is reasonable in the circumstances. The official should indicate the nature of the business for which time off is required, the intended location and the expected period of absence. Management and the union should seek to agree arrangements, where necessary, for other employees to cover the work of officials or members taking time off.

26 Where it is necessary for the union to hold meetings of members during working hours it should seek to agree the arrangements with management as far in advance as is practicable. Where such meetings necessarily involve a large proportion of employees at the workplace at any one time, management and unions should agree on a convenient time which minimises the effects on production or service - for example, towards the end of the shift or the working week or just before or after a meal break.

27 When a number of members needs time off at any one time there should be agreement to leave at work such members as are essential for safety or operational reasons - for example, to keep premises open to the public or to provide necessary manning in a continuous process firm.

28 Management may want time off work for union duties or activities to be deferred because, for example, problems of safety or of maintenance of production or service would ensue if time off were taken at a particular time. The grounds for postponement should be made clear and parties should endeavour to agree on an alternative time for the union duty or activity. In considering postponement parties should weigh the urgency of the matter for which time off is required against the seriousness of any problems arising.

29 The union official and union member should not unduly or unnecessarily prolong the time they are absent from work on union duties or activities.

30 A dispute or grievance in relation to time off work for union duties or activities should be referred to the relevant procedure.

Industrial action

31 Management and unions have a responsibility to use agreed procedures to resolve problems constructively and avoid industrial action. Time off should be provided for this purpose. Satsifactory time off arrangements are particularly needed where communication and co-operation between management and unions are in danger of breaking down. Where industrial action has not occurred employers and unions should avoid hastily altering these arrangements since to do so may damage relationships.

32 A distinction should be made between situations where an official is engaged in industrial action along with his or her constituents and those where the official is not - for example, where only some of the constituents are taking unofficial action. Where an official is not taking part in industrial action but represents members involved, normal arrangements for time off with pay for the official should apply.

33 There is no obligation on employers to permit time off for union activities which themselves consist of industrial action but where a group of members not taking part in such action is directly affected by other people's industrial action these members and their officials may need to seek the agreement of management to time off for an emergency meeting.

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EXTENSION 2 Book: The Choice Series: 84: Health and Safety

Author: Stuart Mc Call

Publisher: Northern Regional Management Centre

This unit deals in detail with all these rights. It also covers much more including duties and responsibilities of employees and employers.

EXTENSION 3 Book: Supervisory Management

Author: David Evans

Publisher: Holt, Rinehart and Winston

See sections 23.4.2 and 23.4.3 for more detail of the obligations on employers and employees to set up and maintain a safe place of work and safe working practices.

EXTENSION 4 Book: The Choice Series: 82: Discipline & the Law

Author: John Stirling

Publisher: Northern Regional Management Centre

These extension opportunities can all be taken up via your Support Centre.

They will either have the materials or will arrange that you have access to the materials. However it may be more convenient to check out the materials with your Personnel or Training people at work - they may well give you access. There are other good reasons for approaching your own people, for example they will become aware of your interest and you can involve them in your development.

3 References

REFERENCE 1 Book: The Changing System of Industrial Relations in Great Britain

Author: H A Clegg

Publisher: Basil Blackwell - Oxford

This reference can be taken via your Support Centre. They will either have the materials or will arrange that you have access to the materials. However it may be more convenient to check out the materials with your Personnel or Training people at work - they may well give you access. There are other good reasons for approaching your own people, for example they will become more aware of your interest and you can involve them in your development.

If you do wish to make use of this reference then don't think that you must read it right through. Just dip into it for a slightly wider treatment of the topic raised by the unit.

I should warn that the language and style of the writing is often difficult to cope with. So don't struggle with it too much. Do what I do when in difficulty, put the book back on the shelf and find a better one!

REFERENCE 2 ACAS Annual Report

Publisher: H M Stationery Office

You can get a copy of these annual reports from your local ACAS office. You can get this address from your telephone book under its full name: Advisory, Conciliation and Arbitration Service. These reports are free of charge and will give you a good insight into the valuable work they do.

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